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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,444	05/28/1999	MORIHIKO MINOWA	FUJO-16.155	8016

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NEW YORK, NY 10022-2585

EXAMINER

HO, DUC CHI

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 09/10/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

gm

## Office Action Summary

Application No.

09/322,444

Applicant(s)

MINOWA ET AL.

Examiner

Duc C Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Kawabe et al. (US 6,377,613), hereinafter referred to as Kawabe.

Regarding claim 19, Kawabe discloses a communication apparatus for code division multiple accessing mobile communications system. Referring to figure 10, a receiver that is used in a base station has a plurality of mobile stations connectable to the base station, see column 7-line 56 to column 8-line 3, in which the base station receives spread signals which are inherently

and respectively transmitted over a plurality of channels. Each channel corresponds to a despreaders, and each should carry different data corresponding to each respective mobile.

*a plurality of despread demodulators, which are respectively arranged for the plurality of channels for demodulating a spread signal transmitted over a corresponding channel by despread the spread signal with a corresponding spread code (a plurality of despreaders 1007s each demodulates a received signal from a mobile station using the code generator 1010 to generate the assigned spreading code over a corresponding channel associated with the mobile); and*

*instructing means ( a plurality of code generators 1004 (1-2), a matched filter 1005, and a peak detector 1006-fig. 10) for instructing a phase (since each block function in fig. 10 is the same as the corresponding one in fig. 1, therefore, the code generator 112 (1010) is inherently instructed to output a spreading code with a phase adjusted to each transmitted timing over each despreaders, see column 5, lines 16-38) of each spread code used for spreading each of the spread signals transmitted over the plurality of channels, wherein*

*said instructing means (the plurality of code generators 1004 (1-2), a matched filter 1005, and a peak detector 1006-fig. 10) is shared by the plurality of despread demodulators (shared by the plurality of despreaders 1007s ).*

***Allowable Subject Matter***

4. Claims 1-18 are allowed.

***Reason for Allowance***

5. Regarding claims 1-18, the prior arts fail to teach or suggest a receiving device for receiving spread signals which are respectively transmitted over a plurality of channels, each of the plurality of channels carrying different data, in a CDMA communication, the receiving device comprises a path detector which is used in time-division manner so as to generate timing signals for the plurality of channels, for generating a timing signal corresponding to each of the plurality of channels according to a correlation between an input signal including the spread signals which are respectively transmitted over the plurality of channels and a spread code corresponding to each of the plurality of channels, in combination with other limitations as specified in the independent claims 1, 4, 5, 6, 13, and 18.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claim 19 has been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTHS** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700

9. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9315,

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner



Duc Ho

9-03-03